

Neutral Citation Number: [2026] ECC Win 1

In the Consistory Court of the Diocese of Winchester

In the Parish of Binsted

In the Church of Holy Cross

Judgment

1. I have been asked to determine a Petition for a faculty for an extension for a lavatory block and some re-ordering at the west end of the church. I am grateful to the Petitioners for meeting with me yesterday (11 June 2026) at the church so that I could be shown the proposals in context.

2. The Church of The Holy Cross is the historic parish church of Binsted, and a site of Christian worship since at least the 12th century. Most of the present church is over 800 years old. It is still in use for its original purpose, and its exceptional architectural, archaeological, and historic importance is recognised in its Grade I listing. In the historical book, 'The Buildings of England', whose founding editor was Sir Nikolaus Pevsner, The Church of the Holy Cross is described as 'One of the largest and most interesting medieval churches in North-East Hampshire, with an especially fine interior.' It describes the history of the construction of the north aisle in the following way as part of phased construction from c1140 to c1430: 'Of the first date the big nave...and the chancel's w half. To this low N and S nave aisles were added, possibly with the low gruff w tower, dated to 1180-95 by W. G. Horseman, The N aisle was begun a little earlier than its counterpart...'

3. As part of the Petition, and set out in the Statement of Need, the church had been conducting a survey over 15 years that recorded that there was 'a clear need for a welcoming, larger space available for many varied community activities and events. While the PCC is not, at this time, contemplating further reordering of the church, it recognises the clear and pressing need for the church to provide safe disabled access, toilets on site, hot water for cleaning, and simple catering facilities after services and for other gatherings including a space for use by the nearby C of E school in Binsted.' The Petitioners wished 'to make the church a hub for the whole community as it has been in the past.' The school holds 5 services a year in the church, attracting between 123 and 290 people. The need for toilets and hot water is self-evident.

4. The Petition seeks a faculty for the following:

- a. Construction of a lavatory extension in the north west corner of the church, between the north aisle and the tower.
- b. The introduction of wooden storage cabinets at the western end of the south aisle, the nave and the north aisle.
- c. The positioning of an audio-visual sound desk and subwoofer at the west end of the nave.
- d. The removal of a number of pews and the creation of 4 movable pews: the back 5 pews from the north aisle, the removal of pews to the same point from the back in the nave, and then 4 pews to be made movable and generally sited in the nave, in line with the main south door.

- e. The removal of the 3 wooden plinths that are below the pews that are to be removed.
- f. The introduction of underfloor heating into the floor space where the pews have been removed.
- g. The removal of 4 radiators at the western end of the church and/or in the nave or north aisle consequential upon the addition of the underfloor heating.
- h. The introduction of Portland stone flooring in the floor space where the pews have been removed whilst keeping the Victorian tiled flooring in the aisles.
- i. The removal of the white base of the font, and the realignment of the font with the nearby window.
- j. The introduction of a wooden servery to the north aisle with links to hot and cold water and to drainage.
- k. The introduction of drainage to the lavatory extension and the servery in the north aisle, with the drainage to run along the outside of the north aisle wall of the church and northwards away from the church to join other drainage connected to the road.
- l. The introduction of a French Drain near the outside of the lavatory extension and downpipes from the tower and north aisle arising from alterations caused by the lavatory extension.
- m. Electrical and lighting works associated with the lavatory extension, the servery, the underfloor heating and the audio-visual equipment.
- n. A new Breedon gravel path on the north side of the church linking the entrance to the lavatory extension to the road and north door of the church with some minor landscaping of earth levels.
- o. The introduction of wooden chairs to the west end of the church as replacement seating for the pews that would be removed: this was not pleaded in the Petition as the Petitioners forgot to include it.

5. The Petitioners have set out the need for the proposals in their Statement of Need. They wish for the church to be able to function as a welcoming building at the centre of village life. Without lavatories, hot water, an ability to serve food and drinks, some flexible seating, flooring that is wheelchair accessible, they have found that the church is constrained from its outreach into and interaction with the local community. They have developed these proposals over 15 years. If a faculty was granted, they are confident that they would be able to use the church better, to host Messy Church which currently has to be in a nearby hall, to host suppers and study groups, and coffee mornings.

6. The Church's PCC voted on 12 April 2025 in favour of the proposals.

7. The responses to the Petition are as follows:

- a. DAC: recommended with certain conditions.
- b. CBC (dated 01.09.2025): 'The Council is pleased to note the parish is continuing to pursue this project and greatly appreciates the time and effort that has been devoted to these proposals.' They made certain comments on the detail of the proposals.
- c. Historic Buildings and Places: (dated 09.09.2025) raised no objections.
- d. The Victorian Society: (dated 10.09.2025): 'Binsted is a church of the highest significance that benefited from a restoration by the notable architect, Ewan Christian, in the 19th century. His work, especially to the interior remains almost entirely intact and this makes strong contribution to the significance of the building, not only as a fine medieval structure, but also as a good and intact example of a rural 19th century restoration. In 2019 the Society made detailed comments on a proposed reordering and we are pleased to see in this application proposals that would have less impact on Christian's interior. Although this proposes some alteration to Christian's furnishings and fabric the retention of the tiled aisles and several

moveable benches would help mitigate this harm. However, we agree with the CBC that further detail is required on how the benches would be made moveable, and whether the proposed underfloor system is that most suitable for the church's projected use and net zero aims. The principle of a kitchen and servery is acceptable, but details of its appearance are required before it can be accepted. With the CBC we agree that this should not be left to the contractor and commercial/domestic units are rarely suitable in historic churches, especially of this significance. In the Society's experience, the most successful kitchen/serveries are those that are designed simply as items of church furniture in a material and finish that harmonises with the existing furnishings. Counter tops should close and ideally units should sit against a wall so that when out of use they do not distract from the special character of the interior. We would welcome the opportunity to review detailed designs of the servery when these are available.'

e. The Victoria Society: (dated 12.12.2025) 'Thank you for the additional information regarding the design of the servery, we are grateful for the amendments that would see some historic timbers used to finish the servery units and the provision of a fold down tap. However, some of the concerns regarding its design highlighted in our previous response remain: 'In the Society's experience, the most successful kitchen/serveries are those that are designed simply as items of church furniture in a material and finish that harmonises with the existing furnishings. Counter tops should close and ideally units should sit against a wall so that when out of use they do not distract from the special character of the interior.' In addition to this the use of a slate effect laminate worktop could be improved by a natural material that better harmonises with the existing finishes. As in so many cases this is not a question of the principle of providing these facilities [sic], but how they are provided in a way that is most respectful to the building.'

f. The Society for the Protection of Ancient Buildings: (dated 23.09.2025) raised no objections.

g. Historic England stated in a letter dated 22 December 2025 that they did 'not wish to raise any concerns'.

8. The church received planning consent from East Hampshire District Council on 17 March 2025 for the extension between the tower and the north aisle to provide a new accessible entry point into the church building and WC facilities.

9. In the course of considering the Petition, I became aware of the following matters:

a. The Petition did not include the introduction of chairs. I understand that the Petitioners would like to introduce wooden stackable chairs, and would like this to be part of the Petition.

b. The mechanism for making the pews movable had not been submitted. Consideration will need to be given to the fact that they will be lower than they were previously, and lower than the pews in front of them in the church.

c. The design and construction materials for the servery was nothing more than a sketch with a commitment to attempt to use the wood from the pews that would be removed.

d. Security: currently the church is open 24 hours a day. Is the lavatory extension and servery to be available for anyone entering the church 24 hours a day? The lavatory extension exterior door is made of glass, whereas all other exterior doors are made of wood. Is the servery to be accessible 24 hours a day?

e. There was a lack of detail as to the base beneath the font and how the floor will be repaired after the removal of the existing base so as to abut the Victorian tiled floor.

f. There was a lack of evidence regarding where the rainwater would go after it entered the French Drain. Where does the water go and is it fit for purpose given its age and the volume of water experienced in torrential downpours?

10. In reaching my judgment, I have considered the questions set out in Duffield, St Alkmund [2023] Fam 158 (Court of Arches):

‘1. Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

2. If the answer to question (1) is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals...Questions 3, 4 and 5 do not arise.

3. If the answer to question (1) is “yes”, how serious would the harm be?

4. How clear and convincing is the justification for carrying out the proposals?

5. Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building (see St Luke, Maidstone at p.8), will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm? In answering question (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade I or 2*, where serious harm should only exceptionally be allowed.’

11. I have considered the potential harm caused by different parts of the Petition. In so doing, I have excluded the following as being of such limited effect that they could not harm the significance of the church as a building of special architectural significance or historic interest: the drilling underground through an ancient wall to supply water or drainage to the lavatory extension and servery, the drilling and fixing of electrical wiring inside the church, the removal of radiators and the introduction of cupboards and the servery.

12. In my view the following matters cause the balancing exercise as set out in Duffield to be carefully considered, between the harm caused by a proposal to the significance of the building and the benefit to the missional and functional life of the church building:

a. The loss of a small section of ancient wall beneath the window at the west end of the north aisle:

The area of ancient wall is a little more than 1m x 1m. It is in part of the church both inside and outside which is less visible, due to being at the back of a side aisle and dwarfed by the tower outside. The bottom half of the Victorian window above would be lost. It does not contain any coloured glass, and is likewise not conspicuous as a window due to its location. The loss of the wall and bottom of the window would cause some minimal harm to the significance of the church. The need for the lavatory extension, which all consultees have agreed is in the best location easily outweighs the harm caused, and in the long term will hopefully contribute to the viability of the building as its future functionality supports its protection as a historic building.

b. The visual effect of the lavatory extension on the outward appearance of the church:

The extension is on the north western corner of the church. It is unlikely to be seen from the road, and it has tall yew trees in the churchyard nearby. The area currently is damp and has a boiler shed attached to the church wall. The church has had a number of extensions in previous centuries (side chapels and a vestry). Although the proposed extension will appear newer than the rest of the church, the carefully considered design and materials will mean

that it will blend in with the host building, such that it will not harm the significance of the building.

c. The removal of the pews and their plinths, and the visual effect of some chairs being introduced:

When the church was reordered in 1863, new pews were introduced into the nave and side aisles which were on wooden plinths. The flooring in the nave and side aisles was laid with tiles, which still appear in good condition and the Petitioners wish to retain. The bulk of the nave will retain its pews, together with part of the south aisle and north aisle. The pews themselves are not attractive or ugly, merely functional. The removal of the pews will harm the overall effect of the Victorian re-ordering, which is of some considerable importance when one considers the significance of the church. The need for disability access and the ability to have seating is important in a church building, so that other activities can take place. Pews on plinths constrain the activities that a church can participate in. On balance, I consider that the need for the church building to have a flexible space and to provide disability access outweighs the need to preserve the selected pews.

d. The moving of the font and the removal of its white base:

The font was made in 1896 from alabaster. It replaced a broken Norman font. It is typical of late Victorian church items, being very ornate and at odds with the Victorian re-ordering conducted decades before. It was placed on a white pedestal, which had to be stood on in order to reach into the font, but was too narrow to remain on without a risk of falling backwards off it. The white pedestal is not of intrinsic significance to the church and it is a hazard as much for those walking on it, as for those walking past it and tripping over it. The purpose of moving it ever so slightly and taking it off its pedestal, is to reduce the risk of tripping and make the space around it more accessible. However, it is currently unknown what the floor will look like underneath, whether the Victorian tiles still exist beneath and the Petitioners have not provided sufficient detail as to how they will make the base of the font look good.

Conditions of Faculty (if any)

13. Therefore, I grant the Petition in its entirety including allowing chairs, with the following conditions.

- a. A suitable archaeological written scheme of investigation must be provided and agreed prior to works commencing. An archaeological record must be taken of the wall surfaces of the tower and north aisle in the event that they may be hidden from view by the proposed works.
- b. All works must be in accordance with the Diocesan Electrical Guidance document.
- c. Before any works commence in relation to the lavatory extension, the Petitioners must provide the DAC with details of where rainwater will run off to, from downpipes and from the French Drain, and the DAC must approve the acceptability of the rainwater drainage system.
- d. Before any wooden stackable chairs are introduced, there must be PCC approval, some level of consultation with the congregation, DAC approval and I must approve the design.
- e. Before work commences on the font, there must be DAC approval of the floor/base of the font and how the floor will be made good so as to be compatible with the neighbouring Victorian tiled floor. The step to the existing pedestal can be removed so as to ascertain whether the tiles run underneath it.
- f. Before work commences on the installation of the server, a detailed design plan must be submitted to and agreed by the DAC, which deals with the materials to be used, their suitability for this church and the issue of security and misuse if the church is to remain open 24 hours a day.

g. The colour and pattern of the Portland stone flooring is to be agreed with the DAC in advance of being laid.

h. The mechanism for making certain pews movable is to be agreed with the DAC in advance of being introduced. If having seen some chairs in the church, the Petitioners would prefer to have chairs rather than the 4 movable pews, then they can Petition for a variation to this Faculty provided they have consulted with relevant consultees and have the support of the PCC.

14. I direct that the Petitioners and the DAC have 28 days to respond to the above conditions, in case they have submissions on them that require my determination. The faculty will come into effect after 28 days or such later time as I direct if there needs to be further consideration of the conditions.

15. I direct that the Petitioners pay the costs of my visit with the Registrar to the church on 11 June 2026 and the relevant costs incurred by me and Registry in connection with this Petition.

12 June 2026

Mark Ruffell

Chancellor of the Diocese of Winchester